

Continue on reverse

C

T/A

C

W

1

X. Description of Hazardous Wastes (continued from front)

A. Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary.

| | | | | | |
|---|---|---|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | |

B. Hazardous Wastes from Specific Sources. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific sources your installation handles. Use additional sheets if necessary.

| | | | | | |
|----|----|----|----|----|----|
| 13 | 14 | 15 | 16 | 17 | 18 |
| | | | | | |
| 19 | 20 | 21 | 22 | 23 | 24 |
| | | | | | |
| 25 | 26 | 27 | 28 | 29 | 30 |
| | | | | | |

C. Commercial Chemical Product Hazardous Wastes. Enter the four-digit number 40 CFR Part 261.33 for each chemical substance your installation handles which may be hazardous waste. Use additional sheets if necessary.

| | | | | | |
|----|----|----|----|----|----|
| 31 | 32 | 33 | 34 | 35 | 36 |
| | | | | | |
| 37 | 38 | 39 | 40 | 41 | 42 |
| | | | | | |
| 43 | 44 | 45 | 46 | 47 | 48 |
| | | | | | |

D. Listed Infectious Wastes. Enter the four-digit number 40 CFR Part 261.34 for each hazardous waste from hospitals, veterinary hospitals, or medical and research laboratories your installation handles. Use additional sheets if necessary.

| | | | | | |
|----|----|----|----|----|----|
| 49 | 50 | 51 | 52 | 53 | 54 |
| | | | | | |

E. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24)

- ☐ 1. Ignitable (D001)
 ☐ 2. Corrosive (D002)
 ☐ 3. Reactive (D003)
 ☐ 4. Toxic (D000)

XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature

Name and Official Title (type or print)

Date Signed

Estimated burden: Public reporting burden for this collection of information is estimated to be 3 hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

MDT-964700064



DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway, Baltimore, Maryland 21224
Area Code 301 • 631- 3304

William Donald Schaefer
Governor

Martin W. Walsh, Jr.
Secretary

August 29, 1989

CERTIFIED MAIL

The Corporation Trust Incorporated
32 South Street
Baltimore, Maryland 21202

RE: J. B. Kendall Company, Inc.

Dear Sir:

Enclosed you will find a Complaint and Civil Penalty concerning violations of the Environment Article and regulations promulgated thereunder, resulting from the improper storage of hazardous wastes.

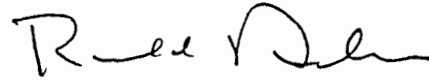
The Hazardous and Solid Waste Management Administration is seeking a penalty of \$6,000.00 in this case.

This matter may be settled by paying to the Maryland Department of the Environment the amount of \$4,500.00. By settling, J. B. Kendall Company, Inc. waives its right to a hearing and the opportunity to contest the assessment of the penalty but does not admit any of the allegations contained in the Complaint.

If payment is elected, J. B. Kendall Company, Inc. shall, within twenty (20) calendar days of receipt of this document, submit a certified check in the amount of \$4,500.00, made payable to the Maryland Hazardous Substance Control Fund, c/o the Maryland Department of the Environment, Fiscal Services Division, Cash Receipts/Advances Unit, 2500 Broening Highway, Baltimore, Maryland 21224. If payment is made in accordance with the conditions established herein and a hearing is not requested on the Complaint, this matter will be considered settled and a hearing will not be required. If you choose to appear for the hearing, the assessment and amount of the violation will be determined by the Hearing Office.

If you have any questions concerning this matter, please communicate with Mr. Mansoor Zakai, Inspector, Hazardous Waste Enforcement Division, Hazardous and Solid Waste Management Administration, at (301) 631-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald Nelson". The signature is fluid and cursive, with the first name "Ronald" being more prominent than the last name "Nelson".

Ronald Nelson, Director
Hazardous and Solid Waste
Management Administration

RN/st

Enclosure

cc: Mr. James S. Potter, Jr.
Maxie Collier, M.D., MPH
Michael C. Powell, Esquire
Mr. James J. Pittman III
Mr. Harold L. Dye, Jr.
Mr. Mansoor Zakai
file

IN THE MATTER OF:

J. B. Kendall Company, Inc.

* DEPARTMENT
OF
THE ENVIRONMENT

SERVE ON:

The Corporation Trust
Incorporated
32 South Street
Baltimore, Maryland 21202

* Hazardous and Solid Waste
Management Administration
2500 Broening Highway
Baltimore, Maryland 21224
* C-0-90-041

* * * * *

COMPLAINT

(1) **WHEREAS**, the State of Maryland, Department of the Environment, Hazardous and Solid Waste Management Administration, pursuant to the powers, duties and responsibilities vested in the Secretary of the Environment by Environment Article, Sections 1-301, 7-201 through 7-268, inclusive, Annotated Code of Maryland, and delegated to the Director, Hazardous and Solid Waste Management Administration (hereinafter, "HSWMA"), has reasonable grounds to believe that J. B. Kendall Company, Inc. (hereinafter, "J. B. Kendall") has violated Maryland law regarding Controlled Hazardous Substance ("CHS") and water pollution control.

(2) **WHEREAS**, on May 15, 1978, Adams Fabricated Steel Corporation, located at 4501 Curtis Avenue, Baltimore, Maryland 21226, merged with J. B. Kendall.

(3) **WHEREAS**, during the period of May 15, 1978 to November 21, 1988 Adams Fabricated Steel Company (hereinafter

"Adams Steel"), a division of J. B. Kendall, operated from the above-mentioned site.

(4) **WHEREAS**, on November 21, 1988, J. B. Kendall sold Adams Steel to the management, who changed the name to Adams Fabricated Steel, Inc., a company chartered in the State of Maryland since November 10, 1988.

(5) **WHEREAS**, Adams Steel fabricated and coated structural steel with red oxide paint. As a result of this activity, ignitable waste was generated which was subject to the regulations of the Code of Maryland Regulations (COMAR) 26.13.

(6) **WHEREAS**, during an inspection on October 24, 1988, the HSWMA found that Adams Steel, a division of J. B. Kendall, was on that day storing at its Curtis Avenue location, eleven 55 gallon drums containing ignitable CHS in excess of 90 days without a hazardous waste storage permit, in violation of Environment Article, Sections 7-224, 7-232, COMAR 26.13.03.05E and 26.13.07.01A.

(7) **WHEREAS**, Adams Steel, a division of J. B. Kendall, failed to determine if its waste was a hazardous waste, in violation of COMAR 26.13.03.02.

(8) **WHEREAS**, Adams Steel, a division of J. B. Kendall, generated and stored hazardous waste without having received an EPA identification number, in violation of COMAR 26.13.03.03.

(9) **WHEREAS**, Adams Steel, a division of J. B. Kendall, failed to properly label its waste, keep the containers sealed, store the containers in a secondary containment area or conduct weekly inspections, in violations of Environment Article, Section 7-224, COMAR 26.13.03.05E and 26.13.05.09.

(10) **WHEREAS**, Adams Steel, a division of J. B. Kendall, failed to conduct and maintain records of personnel training, in violation of Environment Article 7-224, COMAR 26.13.03.05E and 26.13.05.02G.

(11) **WHEREAS**, Adams Steel, a division of J. B. Kendall, did not prepare or submit a written Contingency Plan to the HSWMA, in violation of Environment Article, Section 7-224, COMAR 26.13.03.05E and 26.13.05.04B.

(12) **WHEREAS**, Adams Steel, a division of J. B. Kendall, placed pollutants into waters of the State by spilling ignitable CHS into the storm drain, in violation of Environment Article, Sections 9-322, 9-323, COMAR 26.08.03.01 and 26.08.04.01B.

(13) **WHEREAS**, during a follow-up inspection on May 15, 1989, the HSWMA determined that all hazardous waste had been shipped

off-site and Adams Steel is in compliance with the Site Complaint SC-0-89-041, which was issued on October 24, 1988.

CIVIL PENALTY

(A) The Hazardous and Solid Waste Management Administration is seeking a civil penalty in this case of \$6,000.00.

(B) J. B. Kendall has a right to a hearing pursuant to Environment Article, Sections 7-261 and 9-337, Annotated Code of Maryland. In the event that a Request for a Hearing is not filed in a timely manner and this order is thereby rendered final, the HSWMA shall take all actions necessary to enforce this order. Prepayment would constitute a waiver of a hearing.

(C) An appearance before the Hearing Examiner constitutes an administrative hearing and J. B. Kendall has the rights of any party in a contested case provided by the Maryland Administrative Procedure Act, State Government Article, Section 10-201, et seq., Annotated Code of Maryland.

(D) Depending upon the evidence presented at the hearing, the Office of Hearings may assess any penalty up to \$1,000.00 for each day a violation existed or a maximum of \$50,000.00 under Section 7-226(b) and \$50,000.00 under Section 9-342(b).

PROCEDURE FOR REQUESTING A
HEARING ON THE COMPLAINT

(E) J. B. Kendall may obtain a hearing to contest the Complaint portion of this document by filing a written request for a hearing within ten (10) calendar days of receipt of this document in accordance with the Maryland Administrative Procedure Act, State Government Article, Section 10-201, et seq., and in accordance with the Environment Article, Sections 7-261, (9-337), Annotated Code of Maryland. Unless a request for a hearing is filed in a timely manner, this order shall be deemed final pursuant to Section 7-262(a). Such a request should be sent to Chief Hearing Examiner, Office of Hearings, 3rd Floor, 2500 Broening Highway, Baltimore, Maryland 21224, with a copy to the Attorney who signed this document, at the Office of the Attorney General, Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

(F) If J. B. Kendall will be represented by an attorney in an administrative hearing, the attorney must be admitted to the Bar in the State of Maryland or must be specifically admitted to the Maryland Bar pursuant to Maryland Rule 20 of the Maryland Rules governing admission to the Bar. Rule 20 governs special admission of out-of-state attorneys.

If you have any questions concerning this matter, please contact Mr. Mansoor Zakai, Inspector, Hazardous Waste Enforcement Division, Hazardous and Solid Waste Management Administration, at (301) 631-3400.

August 28, 1989

DATE

Ronald Nelson

Ronald Nelson, Director
Hazardous and Solid Waste
Management Administration

Approved as to form and legal
sufficiency this 25th day of

August

, 1989.

Richard W. Emory, Jr.

Richard W. Emory, Jr.
Special Assistant Attorney General

State of Maryland

DEPARTMENT

OF THE ENVIRONMENT

Baltimore, Maryland 21224

631- 3304

Martin W. Walsh, Jr.
Secretary

August 29, 1989

8/29/89

PS Form 3800, June 1985

U.S. POST OFFICE

Mr. James Potter
2160 Queens Chapel Rd.
N.E., Wash., D.C. 20018

Special Delivery Fee

Postmark of Date

8/29/89

J. B. Kendall Company, Inc.

Dear Sir:

Enclosed you will find a Complaint and Civil Penalty
Environment Article and
, resulting from the improper

Management Administration is
this case.

by paying to the Maryland
the amount of \$4,500.00. By
Inc. waives its right to a
contest the assessment of the
the allegations contained in

Kendall Company, Inc. shall,
of receipt of this document,
the amount of \$4,500.00, made
payable to the Maryland Hazardous Substance Control Fund, c/o
the Maryland Department of the Environment, Fiscal Services
Division, Cash Receipts/Advances Unit, 2500 Broening Highway,
Baltimore, Maryland 21224. If payment is made in accordance
with the conditions established herein and a hearing is not
requested on the Complaint, this matter will be considered
settled and a hearing will not be required. If you choose to
appear for the hearing, the assessment and amount of the
violation will be determined by the Hearing Office.

PS Form 3800, June 1985

U.S. POST OFFICE

J.B. Kendall CO. Inc.
The Corporation Trust Inc.
32 South St
BALTO. MD 21202

Special Delivery Fee

Postmark of Date

8/29/89

Kendall Company, Inc. shall,
of receipt of this document,
the amount of \$4,500.00, made
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settled and a hearing will not be required. If you choose to
appear for the hearing, the assessment and amount of the
violation will be determined by the Hearing Office.



ACKNOWLEDGEMENT OF NOTIFICATION
OF REGULATED WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Regulated Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

WVD981034192
EDS ALL CLEAN DISPOSAL INC
2933 SISSONVILLE DRIVE
CHARLESTON , WV 25362
CHARLES SMODGRASS PRESIDENT

INSTALLATION ADDRESS

2933 SISSONVILLE DRIVE
CHARLESTON , WV 25362

CE-80-0387

State of



Maryland

DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway, Baltimore, Maryland 21224

Area Code 301 • 631- 3400

William Donald Schaefer
Governor

Martin W. Walsh, Jr.
Secretary

May 11, 1989

CERTIFIED MAIL

Mr. Khader El Jallad
Adams Fabricated Steel Corp.
4501 Curtis Avenue
Baltimore, Maryland 21226

RE: Notice of Compliance

Dear Mr. Jallad:

On May 11, 1989, a representative of the Hazardous and Solid Waste Management Administration conducted an inspection of your facility.

Based on this inspection, it has been determined that compliance with Site Complaint SC-0-89-041 has been achieved. You are hereby advised that it remains your responsibility to ensure that your facility is maintained in compliance with Maryland laws and regulations concerning Controlled Hazardous Substances and Water Pollution Control.

Your cooperation in this matter has been greatly appreciated.

Sincerely,

Arthur E. O'Connell

Arthur E. O'Connell
Section Head
Hazardous Industrial Section

AEO/st

cc: Mr. Ronald Nelson
Mr. James J. Pittman III
Mr. Harold L. Dye, Jr.
Mr. Mansoor Zakai
file



State of Maryland
Department of the Environment
Hazardous and Solid Waste Management Administration
201 West Preston Street, Baltimore, Maryland 21201

Report of Observations

Type of Inspection/Observations: Follow-up Date 05/11/89

Facility Name: Adams Fabricated Steel Company

Remarks: _____

Today I talked to Mr. Ed Shaw of T.B. Kendall Company, Inc. Adams Fabricated Steel Co. was operating as a division of T.B. Kendall. On November 18, 1988, management of Adams Fabricated Steel Co. bought this unit from T.B. Kendall and reorganized under the name of Adams Fabricated Steel, Inc.

On 5/5/89, GSX removed 13 drums of hazardous waste under manifest No: MDC 0194541. There is no hazardous waste on Kendall's property at this time.

Observer: Manson Swab Person Interviewed: _____